THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 18741 of 2006

Date:05-06-2007

Between:

M.Chandra Sekhar Reddy

..

PETITIONERS

AND

The S.H.O., P.S.,Ramachandrapuram and another

..

RESPONDENTS

ORDER:

The petitioner seeks a writ of mandamus to declare the action of the first respondent in not taking action against the second respondent, as illegal and arbitrary.

Petitioner submits that the proceedings in C.C.No.389 of 2003 on the file of the Judicial Magistrate of First Class, Ramachandrapuram under Section 138 of the Negotiable Instruments Act (for short 'the Act') are pending against him for dishonour of cheque issued by him for an amount of Rs.50,000/-.

He further submits that the second respondent prevented him physically from attending the Court on 31.08.2006 and he was not allowed to consult his advocate. He further submits that though he settled the matter by paying a sum of Rs.1,00,000/-, the second respondent is insisting to pay Rs.2,00,000/-. He further submits that he approached the police for rendering police protection to him to attend the Court but the police failed to render necessary police protection.

A counter has been filed by the first respondent stating that the petitioner never made any representation seeking police protection and he never filed any application. It is further stated that if the petitioner files any application seeking police protection, the police are ready to provide protection.

In view of the aforesaid counter filed by the first respondent no orders are required to be passed in the matter.

Accordingly, the writ petition is dismissed. However, it is open to the petitioner to make a representation before the police as and when necessary protection is required to attend the Court.

No costs.

V.ESWARAIAH, J.

Date:05.06.2007
ccm